



**District of Columbia  
Department of  
Housing and  
Community  
Development**

801 North Capitol Street, NE  
Washington, D.C. 20002

(202) 442-7200  
(202) 442-7079 Fax

[www.dhcd.dc.gov](http://www.dhcd.dc.gov)

Anthony A. Williams  
*Mayor*

Stanley Jackson  
*Deputy Mayor for Planning  
and Economic Development*

Jalal Green  
*Director, Department of Housing  
and Community Development*

Victor L. Selman  
*Chief Operating Officer*

Robert L. Trent  
*Chief of Staff*

Lawrence C. Cager, Jr.  
*Deputy Director, DFD*

# APPLICATION SUBMISSION PACKAGE

## *Development Finance Division (DFD) Financing Application*

Issue Date: October 28, 2005  
Closing Date: January 06, 2006



*The District Department of Housing and Community  
Development pledges to foster the letter and spirit of the  
law for achieving equal housing opportunity in the District  
of Columbia.*



# TABLE OF CONTENTS

<b>Mission.....</b>	<b>iii</b>
District of Columbia Department of Housing and Community Development.....	iii
Development Finance Division.....	iii
<b>Section 1: Introduction .....</b>	<b>1</b>
Applicability.....	1
Vision for Affordable Rental Housing in District.....	2
<b>Section 2: Overview of the Funding Process.....</b>	<b>3</b>
Application Submissions.....	3
Application Review Process.....	3
Final Project Review .....	5
Initial Closing.....	5
Construction or Rehabilitation Period.....	6
Construction Completion .....	7
Processing LIHTC Requests .....	7
<b>Section 3: General Application Instructions.....</b>	<b>9</b>
Introduction .....	9
Submission Requirements .....	9
<b>Section 4: Guidelines for Applicants .....</b>	<b>11</b>
Development Team Requirements.....	11
Community Support Requirements.....	13
Site Requirements .....	13
Project Location and Marketability.....	14
Occupancy Restrictions and Rent Levels.....	14
Relocation and Anti-Displacement Strategies.....	15
Financing Terms and Conditions .....	15
Low-Income Housing Tax Credits.....	16
Construction or Rehabilitation Costs .....	16
Lead Hazard Elimination .....	17
Development Budget.....	17
Limitation on Fees.....	18
Financial Pro Forma .....	20
Project Schedule.....	21
<b>Section 5: Application Form Instructions.....</b>	<b>22</b>
General Information – Page 1 .....	22
Project Information – Pages 2-3.....	22
Development Team – Pages 4-8.....	24
Project Income – Pages 9-10.....	24
Project Expenses – Page 11-12 .....	25
Uses of Funds – Pages 13-15 .....	25

Sources of Funds – Pages 16-17 .....	27
Low-Income Housing Tax Credits – Pages 18-20 .....	28
Project Summary Information – Pages 21-22 .....	30
20-Year Operating Pro Forma – Pages 23-24 .....	31
<b>Section 6: Application Forms.....</b>	<b>32</b>

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Appendix - 1: Project Narrative Format	
Appendix - 2A: Introduction to the Feasibility Study	
Appendix - 2B: The Feasibility Study	
Appendix - 3: Space Utilization Table - Feasibility Study Outline For Community Centers and Special Needs Projects	

## **MISSION**

### ***District of Columbia Department of Housing and Community Development***

The mission of the Department of Housing and Community Development is to be a catalyst in neighborhood revitalization by strategically leveraging public funds with private and non-profit partners for low-to-moderate income DC residents in order to promote the preservation, rehabilitation and development of housing, increase homeownership, and support community and commercial initiatives.

### ***Development Finance Division***

The Development Finance Division within the Department of Housing and Community Development revitalizes communities and promotes economic diversity by providing financial resources to complement those available in the private sector to build and rehabilitate community infrastructure, and to provide quality and affordable rental and homeownership housing.



## SECTION 1: INTRODUCTION

The District of Columbia Department of Housing and Community Development (the Department or “DHCD”) administers financing programs for the construction, acquisition and rehabilitation of single and multifamily affordable homeownership, rental housing, tenants first right of purchase, special needs, elderly housing, and provides assistance for affordable homeownership opportunities. The Department’s Development Finance Division (DFD) administers these programs for the Department. DFD also provides limited funding for development of community facilities and community based commercial activity.

Many of the Department’s funding sources can be applied for using a consolidated application form. Awards from some of these sources are made under a competitive process using specific funding cycles. This document provides an overview of how funding requests for most of these programs are processed. Governing statutes and regulations are the controlling authority in the event of any conflicts with any other written procedures, processes or documents. This program application package contains the following sections:

- Section 1: Introduction
- Section 2: Overview of the Funding Process
- Section 3: General Application Instructions
- Section 4: Guidelines for Applicants
- Section 5: Application Form Instructions
- Section 6: Application Forms

### ***Applicability***

Housing programs funded through local and federal sources:

- Housing Production Trust Fund (HPTF)
- HOME Investment Partnerships Program (HOME)
- Community Development Block Grant (CDBG)
- Low-Income Housing Tax Credit Program (LIHTC) (Tax Credits)

Staff will review each application to determine the appropriate funding source(s) within DFD for the project. The Department has complete discretion to determine which source will fund an award. Resources for the Low-Income Housing Tax Credits and other funding sources are allocated to projects during scheduled rounds of competition.

Before submitting an application for funding from any program covered by this Application Submission Package, sponsors are encouraged to meet with DFD staff to discuss the proposed development, funding options, processing, and program guidelines.

## ***Vision for Affordable Housing in District***

The Department promotes the production and preservation of housing by providing financial assistance that is complementary to funds available in the private sector. This goal is accomplished through a variety of homeownership, rental, historic preservation, and neighborhood revitalization programs. A major component of our mission is the financing of affordable housing. The Department has structured its threshold and evaluation criteria to target projects that meet the following objectives.

***1. Revitalizing Neighborhoods and Targeting Strategic Areas:*** While the District supports redevelopment across the city, various agencies are focusing their funding on certain strategic communities (see page 14). Moreover, to promote neighborhood revitalization in all areas where DHCD will provide funding, we seek evidence of other significant, ongoing investment of resources in the area.

***2. Serving High Public Purpose:*** Applications must demonstrate a strong need for the proposed project along with evidence that the project will contribute to, and not detract from, revitalization of the community and the operation of other properties or businesses in the community. Projects should promote a holistic view of housing communities, including a focus on coordinated community efforts, tenant services, and resident empowerment. Additionally, the Department supports projects that will serve the lowest income levels feasible for the longest time and that meet locally identified needs for affordable housing. Finally, DHCD encourages proposals that will promote and encourage local nonprofits, local small disadvantaged business enterprises (LSDBE), and businesses in the development of affordable housing.

***3. Leveraging:*** To maximize the efficient use of District resources, the Department encourages the leveraging of other resources. For purposes of this Request for Proposals, competitive tax credits are considered a District resource.

***4. Production of Quality Development:*** Development teams must demonstrate the capacity to develop quality affordable housing and projects in a timely and comprehensive manner. The Department will evaluate the scope of work, project aesthetics, material selections, amenities, design, and costs. Projects that can proceed with the least delay upon funding will receive preference.



## **SECTION 2: OVERVIEW OF THE FUNDING PROCESS**

### ***Application Submissions***

Applications for projects that are subject to the competition will be accepted and reviewed during scheduled, competitive rounds. The Department will schedule and provide a notice of the rounds of competition for the reservation of financing. The schedule will provide the application deadline dates. If needed, additional rounds of competition may be held until all available resources have been reserved. Only projects that meet the threshold requirements set forth in these guidelines, that are submitted by eligible sponsors, and that have complete applications submitted no later than the application deadline will be rated and ranked in any competitive round.

Sponsors and developers are encouraged to meet and discuss proposed projects with Department staff prior to the competitions. Staff will be able to provide preliminary feedback regarding project specifics and may be able to provide suggestions for stronger applications.

Applications must be submitted on the Department's Application Submission Package forms.

### ***Application Review Process***

The application review process includes a review conducted by DHCD staff for basic eligibility requirements. An independent panel will conduct a review of the approved applications to determine compliance with the Department's threshold and eligibility criteria. The panel will forward the results of their review to the Department. The Department will conduct the final review and determination of projects to be considered for funding.

**See the Request for Proposals, issued October 28, 2005, for detailed information on basic eligibility requirements, threshold, and ranking criteria.**

### ***Project Financing Process***

**1. Reservations:** Sponsors of projects that are selected for underwriting will receive funding reservation letters. These reservation letters will specify requirements that must be met in order for the projects to be approved for commitment including processing documentation and time frames. The reservation is not a commitment to fund the project and the Department is not obligated to fund the project unless it issues a commitment letter. A reservation may be canceled and an application withdrawn from processing if any of the following occur:

- The loan processing and submission requirements as described in this section are not met. This includes a failure to meet the time frames established.

- The project is changed substantially from the initial submission. A substantial change includes:
  - a reduction in the original score of more than 5% of eligibility requirements;
  - a significant change in the project’s design, financing or amenities;
  - a material reduction in the project’s income targeting;
  - a change of the project’s sponsor or developer entities; or
  - a change of the project’s site.
- The project is changed so that it no longer meets all eligibility requirements.
- The project’s developer, sponsor or owner, or their general partners, files for bankruptcy or is the subject of an involuntary bankruptcy.
- The project is for any reason no longer feasible.
- The project’s developer, sponsor or owner submits false, misleading or incomplete information to the Department.

**2. Kick-off Meeting:** Following the issuance of the reservation letter, the Department will schedule a “kick-off” meeting with the sponsor. The DFD financing team assigned to the project, including underwriting, construction, tax credit, and monitoring staff will be present at the meeting as appropriate. The sponsor should require representatives of the contractor and architect to attend.

If the project has support from District of Columbia Housing Finance Agency (DCHFA) or District of Columbia Housing Authority (DCHA), or other District or federal agencies, a representative of those agencies should also be present at this meeting. Other Departmental staffs that may need to attend the kick-off meeting include the Deputy Director of DFD and representatives from the Residential and Community Services Division, Office of Program Monitoring, and Office of the Corporation Counsel (OCC).

The purpose of this meeting is to review the reservation letter and gain a common understanding of its requirements, terms and provisions for further processing of the application. At the kick-off meeting, the Deputy Director or Team Leader will review the requirements and time frames of the loan processing schedule and submission kit processing in detail. The assigned team also will schedule a subsequent meeting with the sponsor to conduct a detailed site visit.

**3. Underwriting and Construction Review:** After a reservation letter is issued, the loan application will be underwritten and detailed construction plans and documents will be reviewed before issuance of a commitment letter.

A. Preliminary Review: A preliminary review may be added before viability review at the discretion of the Department for particularly complicated projects or waived for relatively straightforward projects.

B. Viability Review: During this phase of the review process, sponsors will submit updated application forms along with more detailed construction and underwriting documentation. Department staff will review the material and issue a viability report to the sponsor. The viability report will include the Department’s updated underwriting pro forma and term sheet showing any changes in the anticipated loan amount and conditions

based on the findings during the preliminary review. Staff will then proceed to prepare the loan package for submission to the Loan Review Committee (LRC).

Specific milestone dates for completing these reviews and issuing commitment letters are discussed at the kick-off meeting and set in conformance with the Department's submission and loan processing system. Documentation requirements for this review period will be included in the attachment to the reservation.

Detailed guidance will be provided to sponsors throughout this process to assist the development team in the preparation of construction plans and underwriting documentation. The architectural requirements for each stage of this review are those defined in the American Institute of Architect's (AIA) publication The Architect's Handbook of Professional Practice. More specifically, the requirements are outlined in the AIA document B162a and in the HUD Minimum Design Standards.

Additionally, other underwriting requirements will be detailed and made clear to all parties early in the process. There may be the involvement of the Water and Sewer Authority, Department of Consumer and Regulatory Affairs, and other agencies, depending on the scope of the projects. Projects in the advanced stages of development will be able to proceed at a much quicker pace. In any event, the Department and sponsors should make every attempt to complete all review requirements within the time frames outlined in the reservation letters.

### ***Final Project Review***

Upon receiving the sponsor's final application and all required documentation, DFD will prepare a project report, including a final underwriting pro forma and updated term sheet. The project report will be scheduled for submission, with recommendation to the LRC for review. After evaluating the recommendations, the LRC will make a final recommendation to the Director who will, at his or her discretion, approve projects for a letter of commitment.

If approved by the Director for funding, DFD staff will submit the terms of a proposed commitment letter to the Office of Corporation Counsel (OCC) for preparation. The sponsor, working with the project manager, must confirm the business terms included in the proposed commitment letter and identify any remaining issues to be resolved within three (3) days of the date of the proposed commitment letter. The OCC attorney, with DFD staff, will finalize the commitment letter and begin preparing the loan documents.

### ***Initial Closing***

Along with the commitment letter, the sponsor will receive a loan closing submission checklist. The checklist specifies the pre-closing documents that the sponsor must provide and the closing documents the sponsor's attorney must provide before the financing will be closed. The sponsors will have three days to accept the commitment letter.

The Department's standard loan/grant conditions are detailed in the commitment letter. The sponsor should also review and understand the Department's draw and requisition requirements, particularly those affecting the initial draw. Staff will be available to meet and review the draw procedures. When all of the documents identified in the checklist have been submitted, reviewed and approved, the Department and OCC staff will schedule an initial closing date. The Department will move expeditiously to initial closing. The initial closing can usually be scheduled within four weeks of OCC receipt, review and approval of all closing documents. Accepting the Department's closing documents without modification will expedite the closing process.

Following the closing, Department staff will schedule a servicing meeting with the sponsor. This meeting is intended to ensure that all parties fully understand how the loan will be repaid and other conditions of the commitment are met.

### ***Construction or Rehabilitation Period***

Construction or rehabilitation of the project will normally commence once initial closing is complete. Prior to the start of construction or rehabilitation, the sponsor and general contractor must participate in a pre-construction conference with the DFD construction staff responsible for the project, including the DFD architectural representative, finance and project managers, and representatives from Office of Program Monitoring. The purpose of this meeting is to review fully all construction period procedures such as inspections by Department staff, draw requisition and disbursement procedures and change order procedures and monitoring requirements. All other project lenders should be present at this meeting to ensure a smooth inspection and draw process.

**Compliance and Monitoring:** The U.S. Department of Housing and Urban Development (HUD) and the District of Columbia regulations require DHCD to monitor projects funded with federal and/or District of Columbia funds for compliance with various federal and District regulations. Applicants receiving financial assistance from DHCD could be subject to any or all of the following laws and regulations:

- Community Development Block Grant (CDBG), including all applicable Office of Management and Budget (OMB) Circulars, such as A-110, and A-122, and A-133
- HOME Investment Partnerships Program (including long-term affordability periods)
- Housing Production Trust Fund regulations (including continuous affordability requirements)
- Environmental Reviews - 24 CFR Pt 85
- Affirmative Action Program
- Section 3 - (24 CFR Part 135)
- First Source Employment Agreements
- Registration with DC Apprenticeship Council
- American with Disabilities Act of 1990
- Lead Safe Housing Rule (Lead Based Paint)
- Section 504 of Rehabilitation Act of 1973, as amended
- Uniform Relocation Act or District of Columbia Relocation Assistance provisions (10 DCMR Chapter 22)
- Freedom of Information Act
- Davis Bacon and related Acts
- Conflict of Interest (24 CFR § 570.611 and

(Local Small Disadvantaged Business Enterprises LSBDE – Mayor’s Order 85-85)

- 24 CFR §§ 84.42 and 85.36)
- Fair Housing (24 CFR Part 14 et al)
- LIHTC (§ 42 of IRS Code of 1986)

The project will also be subject to DHCD’s monitoring requirements. See the Application Form Exhibit Z for more information.

**Early Start:** At the sponsor’s request, the Department may permit work on the project to begin prior to closing of the Department’s financing. An early start of the construction or rehabilitation may be authorized only after issuance of the commitment letter. Approval for an early start will be evidenced by written approval issued by DFD. Work may begin when the conditions of the early start letter are met and the pre-construction conference has been held. The Department will not fund any costs incurred for work performed under an early start unless the loan is eventually closed.

### ***Construction Completion***

After the completion of construction or rehabilitation, sponsors must complete a certification of costs incurred that has been prepared by an independent certified public accountant. The cost certifications will be reviewed by DFD staff within 90 days of receipt provided all construction close out documents and change order requests have been submitted before or at the same time that the cost certification is received. A final determination of funding proceeds letter will be prepared and sent to the sponsor for signature.

### ***Processing LIHTC Requests***

If projects include tax credits and other financing provided by the Department, the following requirements apply in addition to the processing steps previously outlined. However, if only tax credits are requested, only the following procedures are required. The specific requirements for the Low Income Housing Tax Credit program are set forth in detail in the Plan for the Allocation of Low-Income Housing Tax Credits in the District (the Qualified Allocation Plan). The following information is a summary only and applicants should review the Qualified Allocation Plan prior to submitting an application for tax credits.

**1. Reservations:** Following approval, sponsors will, depending on the timing of the funding round, receive tax credit reservation letters. Reservation letters are conditional commitments to allocate tax credits. The reservation will only be for those tax credits that, in the sole determination of the Department, are necessary for the financial feasibility of the project and its viability as a qualified low-income housing project. Each reservation will be further subject to a number of conditions. These conditions include the submission of evidence of timely completion of the project and documentation certifying compliance with federal requirements. Owners also will be required to verify project costs both at the time of allocation and again at the time the project is placed in service. A reservation may be cancelled and the project withdrawn from processing for the same reasons discussed previously in the loan reservation section.

**2. Allocations:** Sponsors must either place projects in service within the year in which the tax credit is allocated, or qualify for a binding conditional commitment to carry over the tax credit for up to two years (a Carryover Allocation). To qualify for a Carryover Allocation, sponsors must meet all conditions in the reservation. Sponsors also must incur at least 10% of the reasonably expected basis at the later of November 15 of the year the Carryover Allocation is made, or within five months of the date of the Carryover Allocation. If applicable, the Department expects sponsors to meet the 10% test by the issuance of the Department's loan commitment. To keep the Carryover Allocation and receive an IRS Form 8609 (as discussed below); the project must be placed in service by the end of the second year following the Carryover Allocation.

At the time buildings are placed in service and all required post-completion documentation is received and reviewed, the Department will issue the IRS Form 8609 certifying the final amount of tax credits allocated to each building in the project. A Form 8609 will be needed to claim the tax credit for any building in the project. Before the IRS Form 8609 will be issued, the Department must receive and review the current organizational documents for the sponsor and a recorded extended use covenant and additional documentation concerning placed-in-service dates, project costs, eligible basis, and syndication of the project. If a cost certification is required for the project, the Department will not issue Form 8609 until it has completed its review of the cost certification and a final determination of funding proceeds has been signed and returned by the sponsor.

Prior to issuance of the Form 8609, the Department will also undertake a final evaluation of projects to determine the amount of tax credits needed to make developments feasible. Only the amount needed for financial feasibility and viability as a qualified low-income housing project throughout the compliance period will be allowed. Any additional tax credits previously allocated to projects will be recaptured.

## SECTION 3: GENERAL APPLICATION INSTRUCTIONS

### ***Introduction***

The District of Columbia Department of Housing and Community Development (DHCD or “the Department”) administers financing programs for the construction, acquisition and rehabilitation of multifamily rental and for-sale housing. Many of the Department’s multifamily funding sources can be applied for using this consolidated application form. These sources include the following:

- Housing Production Trust Fund (HPTF)
- Community Development Block Grant (CDBG)
- HOME Investment Partnership Program (HOME)
- Low Income Housing Tax Credit Program (LIHTC)

Developers may apply for a specific source of funding, but Department staff will review each application and (with the exception of LIHTCs) may recommend a substitute funding source(s) if doing so will not negatively impact the project.

### ***Submission Requirements***

***1. Due Dates:*** The Department must receive completed applications on or before 4:00 PM, Friday, January 6, 2006, at DHCD, Development Finance Division, 801 North Capitol Street, N.E., 2nd Floor Reception Desk, Washington, DC 20002. DHCD will set the time/date stamp clock used to register applications and will monitor the timeliness of applications. Applicants may use standard or express mail services. However, the Department is not responsible for mail delivery and will consequently not accept applications received after the due date and time.

***2. Form of Submissions:*** Proposals for funding may be submitted to DHCD for a specific funding source or applicants may leave the choice of funding source up to DHCD. DHCD reserves the right to substitute one funding source for another in situations where the Department determines that doing so would maximize the public benefit to be derived without negatively impacting the development program.

***Applicants must submit four copies of the application – an original, in a three-ring binder, and three stapled copies.*** DHCD will not make copies for applicants. Application documents, other than maps and drawings, must be submitted using a 12 point type size and on 8 ½” x 11” paper. Documentation fully demonstrating compliance with the basic eligibility requirements (RFP Appendix A) ***at the time of application*** must be submitted with the application in order to receive further consideration. Any applications lacking such documentation will be returned to the applicant without further consideration.

The following components, in the order listed, *with any attachments*, must be included in the application submission. All application forms and attachments are contained in Section 6 of this package. Also required are (**Appendix 1 - Project Narrative, Appendix 2A - Introduction to the Feasibility Study, Appendix 2B - Feasibility Study, and Appendix 3 - Space Utilization Table**).

DFD Financing Application (Form 202)

- A. Application with Cover Page and Authorized Signatures
- B. General Information – (**\*Narrative and Form 202**)
- C. Development Team Information
- D. Community Revitalization Information
- E. Project Income (rental projects and community facilities)
- F. Project Expenses
- G. Uses of Funds
- H. Sources of Funds
- I. Project Summary Information
- J. 20-Year Operating Proforma
- K. Signature Forms
- L. Monitoring Certification\*\***
- M. Feasibility study\*\*\***
- N. Space Utility Plan\*\*\***
- O. Form 212 and 215 \*\*\*\***
- P. Low Income Housing Tax Credit (if Applicant is applying for LIHTC).\*\*\*\*\***

Management Agent's Qualifications – Rental (Form 209)

Summary Cost Estimate (\*\*Form 212)

Exhibits (with attached forms) and Certifications documents, including Contract Affidavit, Qualifications statements, and Monitoring Certification Forms and Lead Safe Housing/Fair Housing.

**\*Note 1: A Narrative is required with all proposal submissions. A narrative format is included as Appendix 1 of the Application Submission Package.**

**\*\*Note 2: An individual authorized to obligate your organization must sign the Application Cover Page. By signing the application, the authorized person is also attesting to the truthfulness of the information supplied in the application. The "Monitoring Certification Form" must also be signed. Unsigned applications will not be accepted.**

**\*\*\* Note 3: Proposal seeking funding for community centers must complete the Feasibility Study and Space Utilization Plan . Examples of these documents are contained in the Application Submission package.**

**\*\*\*\*Note 4: The Summary Cost Estimate (Form 212) is Required As Part of the RFP Preliminary Application For Funding; and the Detailed Cost Estimate (Form 215), included with the Application, must be completed by the final application deadline for projects selected for underwriting. It is not required as part of this RFP Preliminary Application for funding.**

**\*\*\*\*\*Note 5. Proposals or projects requiring Low Income Housing Tax Credits (LIHTC) will be subject to revisions to the Qualification Allocation Plan, which will be published not later than August 15, 2004.**

Additional information on application submission can be found in the Request for Proposals.



## SECTION 4: GUIDELINES FOR APPLICANTS

The following guidance pertains to all applicants. Applicants must meet all of the following criteria. Please read this section carefully. You may call the Department at (202)-442-7281 if you have any questions regarding the following information.

### ***Development Team Requirements***

***1. Previous Project Performance:*** Members of the applicant's team may not:

- Have participated as an owner or manager in the development or operation of a project that has defaulted on a Department or other government or private sector loan in the previous 10 years.

In connection with Department loans, waivers of this limitation may be granted for team members that were not involved in the defaulted loan for at least one year prior to the default. In the case of other defaulted loans, waivers may be granted based on the circumstances surrounding the particular default. In all cases to be considered for a waiver of these limitations, requests must be submitted in writing to DHCD at least 30 days in advance of the application deadline. Among the factors DHCD may consider in granting a waiver are;

1. Reasons for the default;
  2. The applicant's role in the defaulted property and responsibility for guaranties or operations of the defaulted property; and
  3. Performance of other properties in the applicant's portfolio;
- Have consistently failed to provide documentation required by the Department in connection with other loan applications or the management and operation of other, existing developments;
  - Have been involuntarily removed within the previous 5 years as a general partner or managing member from any affordable housing project whether or not financed or subsidized by the programs of this Department;
  - Have a current Limited Denial of Participation from the U. S. Department of Housing and Urban Development (HUD); or
  - Be debarred, suspended or voluntarily excluded from participation in any federal, state or local program.

Failure to disclose required information on the application may subject the applicant to penalties under District of Columbia law.

For the purposes of the above, members of the development team are individuals or organizations, including officers and directors of corporate members of the team, general partners of partnership members, and members of limited liability company members, that are involved in the development of the project in any of the following roles:

- Applicant;
- Developer and co-developer, if any;
- Guarantor(s), if applicable;
- Owner (including any ownership interest other than limited partners);
- Architect;
- General Contractor;
- Management Agent; or
- Consultant

**2. Financial Capacity:** In addition, members of the development team acting in the role of sponsor, developer, guarantor, or owner with chronic past due accounts, substantial liens or judgements, foreclosures or bankruptcies within the past five years will not be considered for funding. This evaluation will be based on a review of Department records, personal credit histories, commercial credit reports and other available data.

**3. Previous Participation:** Development team members are also ineligible to participate in the program if they received reservations or commitments of funding but were unable to carry the project forward. This prohibition applies only to reservations or commitments issued within four years prior to the date of the application. For tax credits, this includes entities that:

- Received a reservation but were unable to place their projects in service in the year of their reservation or to meet the requirements to receive a Carryover Allocation;
- Received a Carryover Allocation but could not meet the 10% test necessary to keep a Carryover Allocation; or
- Received a Carryover Allocation or other Allocation but could not place their projects in service within the time required by the tax credit program.

For loan programs, this includes entities that received a reservation or commitment of loan funds but were unable to close the financing.

**4. No Fees Due:** Development team members are also ineligible to participate in the program if they have unpaid fees or other obligations due to the Department on other projects. The development team should provide a list of any names under which it may have been organized previously.

## ***Project Support***

Please provide any and all letters of support for project.

## ***Advisory Neighborhood Commission Notice Requirements***

In accordance with the Home Rule Act and the Advisory Neighborhood Commissions Act of 1975, D.C. Law 1-58, March 26, 1976, codified at DC Official Code §1-309.10 (2003), the Department is required to provide notice to Advisory Neighborhood Commissions (ANCs) before the award of any grant funds to a citizen organization or group if the award is of significance to neighborhood planning and development in the affected commission area. ANCs are entitled to a thirty (30) day comment period to submit written or oral comments and recommendations to the Department in response to any proposed funding award. If comments are received, the Department is required to respond to all legally relevant recommendations prior to making a final decision on any funding award.

## ***Site Requirements***

**1. Site Control:** Sponsors must have sufficient site control to allow projects to move forward if they receive a reservation of funds. At the time of application, site control should extend for at least 180 days after the application deadline date (including extension options) with an option to continue the control for another 180 days. Acceptable evidence of site control includes deeds, contracts of sale, leases, purchase options or other forms at the Department's discretion.

**2. Utility Availability:** Evidence that public water, sewer, electric, gas, telephone and other utility services are at project sites or will be available during the construction or rehabilitation period must be provided. Acceptable evidence of utility availability may include a letter from the development team's civil engineer, the utility company providing the service, a responsible local official or, for existing buildings, copies of recent utility bills.

**3. Zoning:** Properties should be properly zoned for their intended use. If a zoning change, variance or exception is required, sponsors must provide the following information in the application:

- Documentation illustrating the present status of the proposed zoning change, the local planning and zoning process;
- Contact information for a local official familiar with the project and responsible for the approval process; and
- A detailed schedule with projected dates for obtaining the required approvals corresponding to the project schedule in the application (Form 202).

## ***Project Location and Marketability***

Although DHCD will accept proposals for eligible projects throughout the city, we will concentrate 65 percent<sup>1</sup> of our funding in 13 areas that the Mayor has designated as strategic neighborhood investment areas, Great Streets areas, Neighborhood Investment areas, as well as the two Neighborhood Revitalization Strategic Areas (NRSAs). The strategic neighborhood investment areas are:

- Anacostia
- Bellevue
- Columbia Heights
- Congress Heights
- Georgia Avenue, N.W.
- H Street, N.E.
- Howard University / LeDroit Park
- Minnesota / Benning
- Near Southeast
- Pennsylvania Avenue / Fairlawn
- Shaw
- Takoma Park
- Trinidad / Ivy City

The NRSAs are:

- Georgia Avenue, N.W.<sup>2</sup>
- Carver/Langston Terrace-Ivy City-Trinidad<sup>3</sup>

Maps for each area street boundary is provided in the RFP Reference Guidebook

## ***Occupancy Restrictions and Rent Levels***

At a minimum, sponsors must agree that low-income units in the projects will be rented to families with incomes that do not exceed the levels required under the proposed funding source, as indicated in the Request for Proposals.

The low-income units in the projects must be rent restricted as required by the funding source. For projects receiving project-based rental assistance, the application must include information concerning the actual rent to be paid by the tenants and the estimated subsidy that will be received by the project owner. For this analysis, the actual tenant-paid rent will be evaluated rather than the gross rent received resulting from the rental assistance. If any rental assistance is not project-based, the assisted portion of the rent should not be included in the project's income projections. In these cases, the gross rent will be evaluated and not the amount actually paid by the tenants.

Maximum unit rents (including tenant paid utilities) may not exceed 30% of the beneficiary gross income limit applicable to each unit. Under the CDBG and HOME programs, the gross income limit will be based on 1.5 persons per bedroom for units with one or more bedrooms and 1.0 person for efficiency units. For the HPTF Program, income limits are as shown below. Income limits can be found in the Request for Proposals for HOME, CDBG, and HPTF.

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<sup>1</sup> Pending the receipt of sufficient applications to achieve this level of award.

<sup>2</sup> Georgia Avenue, NW has a dual designation as both an NRSA and a Strategic Area.

<sup>3</sup> This NSRA has different boundaries than the Trinidad / Ivy City Strategic Area. See the RFP Program Guidebook for maps.

- Efficiency – 1 person
- One bedroom – 2 persons
- Two bedrooms – 3 persons
- Three bedrooms – 5 persons
- Four bedrooms – 7 persons
- Five bedrooms – 8 persons

For elderly projects, the imputed household size may not exceed three persons regardless of the number of bedrooms.

Rent levels including tenant paid utilities must be supported by market data. Rents should also allow for a reasonable affordability window so those tenants with incomes below the maximum levels are not paying a disproportionate percentage (i.e. greater than 30%) of their income for rent. The Department will consider the project's capture rate in reviewing the rents.

### ***Relocation and Anti-Displacement Strategies***

For existing and occupied buildings, the applicant must submit a draft of the relocation strategy for projects that result in the temporary or permanent displacement of current occupants. If the project will result in the relocation of any tenants (i.e. households or businesses), the Department requires that the applicant will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. 4601 also known as "URA") and §104(d) of the Housing and Community Development Act of 1974 [42 U.S.C. §5304(d)] **if HOME or CDBG funds are used**, or the local relocation regulation found at Title 10, District Code of Municipal Regulations (DCMR) Chapter 22 **if HPTF is used**, regarding resident notice and compensation.

Applicants should make themselves familiar with the requirements of URA, §104(d) or 10 DCMR 22, as applicable, including notices from both the purchaser and seller to residents that may apply to their project. Information on federal relocation requirements may be found on the Internet at <http://www.hud.gov/offices/cpd/library/relocation/index.cfm>.

### ***Financing Terms and Conditions***

**1. Other Financing:** Letters of commitment, intent to provide financing or interest must be furnished for all funding sources identified in the application. At a minimum, letters of intent must state that projects appear feasible and show the amount of anticipated funding, general repayment terms and any conditions. If financing will be subsidized or insured by another institution, evidence must be provided that the appropriate applications have been prepared and have been or are ready to be filed.

For projects that will be syndicated for tax credit equity investment, sponsors must provide a proposal from at least one syndication firm showing the amount of tax credit expected, investor type, expected net proceeds, syndication costs and pay-in schedule.

**2. Project Assistance:** In general, loans through the department's funding must be fully repaid on an amortizing basis at an annual rate of 4% for a term of up to 40 years. If the development cannot support the loan at a 4% interest rate, the rate may be reduced at the Department's discretion. The maximum loan per project is the lesser of \$2.0 million or the total development cost of the project multiplied by the percentage of income-restricted units. Funding requests in excess of \$2.0 million will be considered on a case-by-case basis.

To the extent possible, the Department's funds must be repaid on an amortizing basis; however, at the Department's discretion, loans may be repaid to the Department on a cash flow basis. If the loan will be repaid on a cash flow basis, the Department expects to receive 100% of the net cash flow. All cash flow loans must be repaid at the end of the loan term.

The sponsor may request a waiver of this requirement in writing, with detailed and specific reasons for the waiver request, at the time of application or, if the need for the waiver arises after application, and before execution of LOC, DHCD will evaluate each waiver request on a case-by-case basis.

### ***Low-Income Housing Tax Credits***

The tax credit reservation or allocation for any single project is limited to \$700,000. Reservations or allocations approaching this amount may be split over two or more calendar years. Additional conditions and restrictions on tax credit reservations and allocations are provided in the Qualified Allocation Plan, which is available on the Department's web site at <http://www.dhcd.dc.gov/info/publications.shtm>.

Note that in order to balance the demand for DHCD funds and tax credits, the Department reserves the right to decrease the amount of tax credits requested in the application.

### ***Construction or Rehabilitation Costs***

The construction or rehabilitation costs for projects must be within a reasonable range for the scope of work proposed. If the proposed costs per gross square foot exceed the maximum limits outlined below, sponsors must submit a request for waiver that includes a detailed explanation of the reason construction or rehabilitation costs are outside of this range. Staff will evaluate waiver requests for reasonableness on a case-by-case basis to determine compliance with the threshold requirements. Construction or rehabilitation costs include all work, including site development, associated with the physical development of projects. The projects' costs are obtained by dividing the amount of the construction or rehabilitation contract by the gross square footage of the buildings to be constructed or renovated. The construction contingency should not be factored into this equation.

<b>Maximum Construction Costs per Gross Square Foot</b>			
<b>Type of Building</b>	New Construction	Substantial Rehabilitation	Moderate Rehabilitation
Townhouses	\$90	\$72	\$40
Garden Apartments	78	74	46

Elevator Buildings ( $\leq 5$ floors)	78	74	46
Mid-rise Buildings	90	70	61

For projects that consist of the rehabilitation of existing buildings, the Department has established a minimum rehabilitation standard to ensure that meaningful, and not just cosmetic, rehabilitation is undertaken. The total hard construction costs (exclusive of fees or overhead items) of rehabilitation for projects must be at least \$15.00 per square foot per unit and supported by a building evaluation report performed by an engineer or other qualified professional. This minimum may be waived for projects that can demonstrate both a strong need for preservation of affordable housing in the market area and that affordable housing units will be lost if the project is not financed using Department funds.

### ***Lead Hazard Elimination***

The Department is committed to the goal of 100% elimination of risk from lead hazards in housing. Any rehabilitation of existing buildings must meet HUD/EPA clearance standards and must be certified by the District's Department of Health (DOH) as lead-safe. All abatement and clean-up must be carried out in accordance with the 1992 Housing and Community Development Act included in Title X (Title Ten) of 24 CFR 35 Subpart H – Rehabilitation; and with District requirements found in Title 6, Chapter 997 of the D.C. Code. All abatement contractors or subcontractors must be certified and accredited by the District. For information on District abatement requirements, please call 202-535-1934, the Department of Health's Lead Paint Risk Assessment and Certification Office.

### ***Development Budget***

***1. Acquisition Price:*** For projects involving acquisition and rehabilitation of existing buildings or the purchase of raw land, the acquisition price may not exceed the standards set forth below.

- For an arms length transaction, the maximum acquisition price may not exceed the lesser of the contract sales price or the appraised value of the property.
- For transactions involving a change in use, appraisals will include an “as is” value and an after rehabilitation value under its projected use. In such cases, the acquisition cost may not exceed the lesser of the two values or any lower value based upon the standards for related party transactions described in this section.
- For a related party transaction where the property was acquired less than two years before the application date, the maximum acquisition price may not exceed the lesser of the appraised value of the property or the original acquisition price plus carrying costs acceptable to the Department.
- For a related party transaction where the property was acquired two or more years before the application date, the maximum acquisition price may not exceed the appraised value of the property.

- For schools and other sites owned by the District, applicants may not use DHCD loan funds to purchase these sites for conversion to housing.

For purposes of this section, acquisition is defined as transfer of title and legal ownership. Applicants with questions regarding the definition of arms-length and related-party transactions should contact the Department. With the approval of the Department and in order to meet the 10% test for an allocation of tax credits, the maximum acquisition price may be increased to include real estate taxes and other carrying costs associated with owning the site during the period after acquisition and application.

The acquisition price must be supported by an appraisal performed by a licensed independent professional appraiser. Independent, professional appraisers under contract with the Department will perform the appraisal, and the applicant will pay the costs of any required appraisals. The Department, at its sole discretion, may accept an appraisal that is required by another lender and prepared by an independent professional appraiser for that lender.

**2. *Syndication Related Costs:*** For projects that are syndicated for tax credits, the equity raise-up rate should be within current market standards. When the project's gap analysis is performed, the Department will review the raise-up rate to ensure that it is competitive in the tax credit market.

**3. *Operating Reserves:*** Operating reserves shall range from three to six months of projected operating expenses plus all required debt service payments and monthly replacement reserve payments. For projects with proposed operating reserves that are outside of this range, sponsors must submit a request for a waiver that includes a detailed explanation of the reasons operating reserves for the project should be set at a different level. Staff will evaluate waiver requests for reasonableness on a case-by-case basis to determine compliance with the threshold limits. The Department when evaluating guaranties for completion, lease-up, or operations will consider the demonstrated financial capacity and liquidity of the owner or other guarantor.

At a minimum, funded operating reserves must remain in place until the project has achieved economic break-even operations for a fiscal year confirmed by its annual audit and has reached 90% occupancy for 12 consecutive months. Reserves may then be released over the next three or more years at the discretion of the Department, provided the project continues to achieve economic break-even operations and 90% occupancy. Upon release, operating reserves generally may be used to pay any outstanding deferred developer's fee and then should be used to reduce any DHCD loan.

### ***Limitation on Fees***

Fees in the development budget are limited according to the standards established by the Department. Projects subject to federal subsidy layering requirements have the same limitations under a Memorandum of Understanding between the Department and HUD. See the Department's Qualified Allocation Plan for further information.



Category	Limitation
Builder's Profit	5% to 10% of the net construction costs
Builder's Overhead	2% to 3% of the net construction costs
General Requirements	5% to 10% of the net construction costs
Architect Design	2% to 5% of the construction contract
Architect Administration	1% to 3% of the construction contract
Developer's Fee	10% to 15% of total development costs not to exceed 2.5 million

Please see below for additional information

**1. Net Construction Costs:** Net construction costs are equal to the construction contract amount less builder's profit, builder's overhead, general requirements and bond fees.

**2. Builder's Profit:** A builder's profit is permitted even if a relationship or identity of interest exists between the developer and general contractor. However, all general contractors must meet departmental guidelines and be approved to act as a general contractor for the project. The allowable profit will range from 5% to 10% of the net construction costs.

**3. Builder's Overhead:** Allowable builder's overhead may range from 2% to 3% of the net construction costs with the lower percentage applicable to larger projects and the higher percentage to projects of lesser amounts.

**4. General Requirements:** The allowable general requirements are determined based on the size of the project. General requirements may range from 5% to 10% of net construction costs.

**5. Architect's Fees:** The allowable architect's fee for project design may range from 2% to 5% of the construction contract amount. For architectural administration, the allowable fee may range from 1% to 3%.

**6. Developer's Fee:** The developer's fee must include all fees paid to processing agents and development consultants. The range of allowable developer's fees is from 10% to 15% of total development costs based on the table below. The developer's fee may not exceed \$2.5 million. For projects with proposed developers' fees in excess of \$2.5 million, sponsors must submit a request for a waiver that includes a detailed explanation of the reasons for increased developer's fee. Staff will evaluate waiver requests for reasonableness on a case-by-case basis to determine compliance with the threshold requirements. Any fee in excess of \$2.5 million must be recommended by DHCD's Loan Review Committee and approved by the Director of the Department. Increasing the fee to increase the tax credit basis is not a valid justification for a waiver.

Fee on Development Costs	Fee on Acquisition Costs
• 15% on first \$10,000,000	• 5% on first \$10,000,000
• 10% on amount over \$10,000,000	• 2.5% on amounts over \$10,000,000

Total development costs include the following: expenses related to the actual construction or rehabilitation of the project; fees related to the construction or rehabilitation such as architecture,

engineering and legal expenses; financing fees and charges such as construction interest, taxes, insurance and lender fees; and acquisition related costs. Total development costs do not include the following: hard or soft cost contingencies, syndication related costs; funded guarantee and reserve accounts that are required by lenders or investors; and developers' fees.

## ***Financial Pro Forma***

The financial pro forma of projects will be evaluated based on a review of estimated operating expenses, construction costs, reserve for replacement deposits, vacancy rates and debt service coverage ratios. Sponsors must submit a minimum 20-year pro forma.

***1. Operating Expenses:*** Estimated annual operating expenses, including real estate taxes and excluding reserve for replacement deposits, should range from \$2,500 to \$4,500 per unit. For projects with proposed operating expenses that are outside of this range, sponsors must submit a request for waiver that includes a detailed explanation of the reasons operating expenses are expected to be outside the range and support these estimates by the market analysis submitted with the application. Staff also will evaluate, where possible, waiver requests for reasonableness on a case-by-case comparison basis against similar properties in the DHCD portfolio to determine compliance with the threshold requirements.

***2. Reserve for Replacement Deposits:*** Proposed reserve for replacement deposits must not be less than the minimum standards for the scope of work proposed.

- For new construction or substantial rehabilitation projects a minimum annual deposit of \$250 per unit.
- For moderate rehabilitation projects a minimum annual deposit of \$300 per unit.

For rehabilitation projects, a capital needs assessment or comparable engineering report will be required before closing in order to establish a final amount for the reserve for replacement deposit. For all projects, the Department reserves the right to adjust the reserve for replacement amount based on a new capital needs assessment every five years.

***3. Vacancy Rate:*** The pro forma vacancy rate must be supported by the market environment described in the appraisal. During subsequent underwriting by Department staff, the rate may be adjusted up or down to reflect documented market conditions.

***4. Debt Service Coverage Ratios:*** For DHCD subordinated debt, projects must have a minimum debt service coverage ratio of 1.1 to 1 by the first year of sustaining operations after considering all primary debt service payments, including bond financed mortgage payments. A debt coverage ratio of 1 to 1 will be required for other amortizing debt service on DHCD financing. The Department will work with the sponsor to meet more stringent requirements imposed by other lenders or equity providers.

***5. Project Phasing:*** Applications for subsequent phases of projects already in receipt of a reservation of loan funds or tax credit allocations must show evidence that the original phase(s) of the project achieved sustaining occupancy. DFD defines sustaining occupancy for this

purpose as a minimum of 3 months of break-even operations and 90% or above occupancy. The Department may waive this requirement upon specific request provided that such requests include a market study meeting the criteria of this plan and demonstrating that the subsequent phase(s) will not adversely affect the leasing and operations of the initial phase.

### ***Project Schedule***

Sponsors must submit a project completion schedule with the application. Sponsors are expected to meet the development schedules as proposed if projects are approved for reservations of funding. In cases where a zoning change, variance or exception is necessary, schedules must be consistent with the analysis provided by the development team's zoning attorney or engineer.

The Department must approve any significant deviations from project schedules. In these cases, sponsors must submit updated schedules, including an explanation for the delays, to the Department for review. Sponsors must promptly notify the Department if for any reason projects that received reservations become infeasible.

The Department will monitor the progress of projects to ensure timely completion. Tax credit reservations and tax credit Carryover Allocations will be canceled if the project falls too far behind its schedule in the Department's determination or if it is determined that Departmental resources are in jeopardy of being lost due to nonperformance by sponsors.

For projects requesting loan funds, the applicant's processing schedule must be consistent with the Department's loan submission process. For a project requesting an allocation of current year tax credits, the sponsor must demonstrate that the project will meet the requirements for an allocation of the current year's tax credits. Typically, this means that the sponsor must incur a minimum of 10% of the reasonably expected basis in the current year. For forward reservations of future year tax credits, the applicant must meet the 10% test within five months of receiving a Carryover Allocation from the Department, and place the project in service by the end of the second year following the Carryover Allocation. Please refer to the Qualified Allocation Plan for more information.